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10/644,318	08/19/2003	Jaime Singson	OR03-04001	6010

			EXAMINER
51067	7590	07/12/2006	DARNO, PATRICK A

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ART UNIT	PAPER NUMBER
2163	

DATE MAILED: 07/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	10/644,318	SINGSON ET AL.
	Examiner	Art Unit	
	Patrick A. Darno	2163	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>27 April 2006</u>.

2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>1-39</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>1-39</u> is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on <u>19 August 2003</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

        1.☐ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____.

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____ .

DETAILED ACTION

1.   No new claims have been added. Claims 1-2, 10-12, 14-15, 23-25, 27-28, and

36-38 have been amended. Claims 1-39 are pending in this office action.

Claim Rejections - 35 USC § 112, First Paragraph

The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of
> making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the
> art to which it pertains, or with which it is most nearly connected, to make and use the same and shall
> set forth the best mode contemplated by the inventor of carrying out his invention.

2.   Claims 14-26 are rejected under 35 U.S.C. 112, first paragraph, as failing to

comply with the written description requirement. The claim(s) contains subject matter

which was not described in the specification in such a way as to reasonably convey to

one skilled in the relevant art that the inventor(s), at the time the application was filed,

had possession of the claimed invention.

With respect to claim 14, the claimed subject matter is directed to new matter

that arises from a deletion of subject matter from the specification. By deleting

limitations to the computer-readable medium from the specification, the applicant has

effectively broadened meaning of the claimed 'computer-readable medium'. The

broadened meaning of 'computer-readable medium' forces the issue of an improper

written description because it raises the possibility that the invention the applicant is

now describing was not in the applicant's possession at the time the application was

filed. By changing the applicant's definition of 'computer-readable medium' the

applicant is effectively stating that the 'computer-readable medium' the applicant is in

possession of now is different from the 'computer-readable medium' the applicant had in

his/her possession at the time of filing of the application. Appropriate action needs to be

taken by the applicant in order present a written description of the invention in a manner

that will reasonably convey to one skilled in the art that the applicant was in possession

of the invention at the time of filing of the application.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3.   Claims 14-26 are rejected because the cited computer readable medium includes

nonstatutory subject matter.

With respect to claim 14, the cited computer readable medium, as submitted in

the original disclosure, contains computer instruction signals, carrier waves, and

transmission mediums. Transmission mediums such as signals and carrier waves

represent physical characteristics of a form of energy that do not fall within any of the

categories of patentable subject matter set forth in 35 U.S.C. 101. Because forms of

transmission mediums such as signals and carrier waves do not fall within any of the

categories of patentable subject matter set forth in 35. U.S.C. 101, the claims are

rejected. See response to arguments below in order to see the appropriate action that

needs to be taken to correct this issue.

Claims 15-26 are rejected because they contain or inherit the deficiencies of

claim 14.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1.   Claim 1-39 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S.

Patent Application Publication Number 2005/0033726 issued to Ju Wu et al. (hereinafter

"Wu").

Claim 1:

Wu discloses a method for facilitating data stewardship for metadata in a data

warehouse system, comprising:

creating metadata, under the control of a user, for use in the data warehouse

system (Wu: paragraph [0035]; Note specifically lines 8-10, "end users employing a metadata

consumer access business views." This shows that the users access the actual data with the aid of

metadata. Then on lines 13-16 the phrase "At each level, business users responsible for preparing

mapped data....". This preparing of mapped data is the creation of metadata for use in a data warehouse

system.);

moving the metadata, under the control of a super user, into and out of a

collection (Wu: paragraphs [0034] and [0037]; The data foundation is the collection. The word

administrator as used in this reference is a generic term that includes "regional managers", "data

administrators", and "data managers. This distinction can be made perfectly clear by reading Wu:

paragraph [0037]. Paragraph [0037] shows that the original data foundations are "created by regional managers". It further shows that data administrators can "add the relevant data connections previously created". Finally, the definition of a data manager is one who handles, controls, or directs data. Paragraph [0034] shows that the regional manager (or administrator or super user) creates the data foundation (collection) by using a GUI to select tables and columns from a variety of data sources. This selecting of tables and columns from a variety of data sources results in moving metadata into and out of a collection (data foundation). The data foundation draws its data from columns and tables (normal operation in a relational database.). The metadata is the data mapping and linking involved in connecting the columns and tables into a data foundation (or collection).);

assigning, under the control of the super user, a data steward for the collection (Wu: paragraph [0037] and [0054], lines 1-4; The data stewards are the data managers referred to in paragraph [0037], line 4. In paragraph [0037] it is important to note that Wu discloses all types of possible users claimed by the applicant. The regional manager is the super user, the data manager is the data steward, the data administrators are the collection administrators, and the users are simply the normal users. And note in paragraph [0054] that the administrators (or regional manager or super user) control which tables and columns that users can or cannot access. The only characteristic that distinguishes between administrative users (super users, administrators, data stewards or managers, etc.) and regular users is the level of access that a given user has to certain data. Since the administrative user here is allowed to control access to all data, the administrative user can grant or assign a data steward for a given collection by simply giving the user to be designated data steward the necessary access to the data in a given collection (or data foundation).);

manipulating, under the control of the data steward, the metadata in the collection, wherein manipulating the metadata involves securing the metadata and performing administration operations on the collections (Wu: paragraph [0080]; Note that it is

"possible for administrators to create and modify metadata service objects" (performing administrative

operations"). The administrator in this case would be the "data manager" (or data steward) given the

correct responsibilities by the overall administrator (regional manager) in order to manage a particular

collection (or data foundation).).

Claim 2:

Wu discloses all the elements of claim 1, as noted above, and Wu further

discloses comprising moving metadata, under the control of a collection administrator,

into and out of the collection (Wu: paragraph [0037]; Note particularly lines 13-15 of paragraph

[0037] where the data administrator is allowed to modify the relevant data connections (or metadata)

originally set up by the super user (or regional manager).).

Claim 3:

Wu discloses all the elements of claim 1, as noted above, and Wu further

discloses wherein the data steward includes more than one individual (Wu: paragraph

[0037], line 4; This uses the plural form of the word "data manager". This means that there **must** be more

than one data steward.).

Claim 4:

Wu discloses all the elements of claim 1, as noted above, and Wu further

discloses wherein manipulating the metadata includes editing and deleting the metadata

(Wu: paragraph [0080]; Modify means to alter. The word modify means to cause change or to make

different. It is clear by the context the word is used in that it includes editing, deleting, and possibly even

creating. Once again the administrator reserves the right assign the proper access to data as the

administrator sees fit (paragraph [0054]). What functions the users perform and to what degree the

functions are performed are a design choice of the administrator.).

Claim 5:

Wu discloses all the elements of claim 1, as noted above, and Wu further

discloses wherein the collection is related to a specified domain (Wu: paragraph [0037];

Note that the collection (data foundation) is related to geographical regions. The domain is a

geographical region.).

Claim 6:

Wu discloses all the elements of claim 1, as noted above, and Wu further

discloses wherein the data steward can be a data steward for more than one collection

(Wu: paragraph [0054], lines 1-4; The overall administrator controls access all collections (data

foundation). If the administrator wishes to grant control to multiple collections to one data manager (or

data steward) the administrator can. However, doing so is simply a design choice.).

Claim 7:

Wu discloses all the elements of claim 1, as noted above, and Wu further

discloses wherein the super user has access to the metadata within a plurality of

collections (Wu: paragraph [0054], lines 4-7; Note that the overall administrator creates the data

foundations (has access to collections) for the whole enterprise. Then the business views of each portion

of the enterprise are delegated to other users.).

Claim 8:

Wu discloses all the elements of claim 1, as noted above, and Wu further

discloses wherein the metadata can include data descriptions (Wu: paragraph [0005], lines

6-12; This is the very definition of metadata. All metadata is a description of data.).

Claim 9:

Wu discloses all the elements of claim 1, as noted above, and Wu further

discloses wherein the metadata can include procedures related to the data warehouse

system (Wu: paragraphs [0005] and [0011], lines 8-9; The metadata is used to deal with how the

information is collected and formatted. Further the metadata is used to create business views allowing

reporting and analysis of the information. Using metadata to create reports is a "procedure" as defined by

the applicant in paragraph [0037] of the applicant's specification.).

Claim 10:

Wu discloses all the elements of claim 1, as noted above, and Wu further

discloses comprising:

creating, under the control of the user a new metadata; and

requesting, under the control of the user, that the new metadata be moved to the

collection (Wu: paragraph [0035] and [0054]; See rejection of claim 1 for further explanation of this

paragraph. Also note paragraph [0054], lines 1-4 where it is disclosed that the overall administrator

grants access to resources as the administrator sees fit.).

Claim 11:

Wu discloses all the elements of claim 1, as noted above, and Wu further

discloses comprising manipulating metadata, under the control of the user, that the user

owns and that does not belong to the collection (Wu: paragraph [0035] and [0054]; Again the

overall administrator (or regional director or super user) has the authority to grant permission to a user to

access a given set of resources. The access to files is determined by the administrator (or super user) and

is a design choice.).

Claim 12:

Wu discloses all the elements of claim 1, as noted above, and Wu further

discloses comprising creating metadata, under the control of the data steward, within a

folder in the collection, wherein creating metadata within the folder automatically causes

the metadata to be added to the collection (Wu: paragraph [0035], [0037], and [0054]; Paragraph

[0035] discloses allowing a user to create metadata ("business elements", "mapped data", and "metadata

consumer access business views"). This is done while editing/creating a data foundation (collection).

And this collection must be in a folder (all computer files are in some sort of hierarchical grouping such

as a folder). So the edits/additions are created inside a folder and the metadata is added to the collection.

For any further explanation of the cited references see preceding rejections.).

Claim 13:

Wu discloses all the elements of claim 1, as noted above, and Wu further

discloses:

wherein only the super user can create/delete a collection;

wherein only the super user can update the collection by moving metadata

to/from the collection (Wu: paragraphs [0034] and [0037]; See rejection of claim 1 for further

explanation of these references.).

Claim 14:

Claim 14 is a computer program product claim corresponding to method claim 1

and is rejected under the same reasons set forth in the rejection of claim 1.

Claim 15:

Claim 15 is a computer program product claim corresponding to method claim 2

and is rejected under the same reasons set forth in the rejection of claim 2.

Claim 16:

Claim 16 is a computer program product claim corresponding to method claim 3

and is rejected under the same reasons set forth in the rejection of claim 3.

Claim 17:

Claim 17 is a computer program product claim corresponding to method claim 4

and is rejected under the same reasons set forth in the rejection of claim

Claim 18:

Claim 18 is a computer program product claim corresponding to method claim 5

and is rejected under the same reasons set forth in the rejection of claim 5.

Claim 19:

Claim 19 is a computer program product claim corresponding to method claim 6

and is rejected under the same reasons set forth in the rejection of claim 6.

Claim 20:

Claim 20 is a computer program product claim corresponding to method claim 7

and is rejected under the same reasons set forth in the rejection of claim 7.

Claim 21:

Wu discloses all the elements of claim 14, as noted above, and Wu further

discloses wherein more than one data steward can be a data steward for a specified

collection (Wu: paragraph [0054], lines 1-4; The overall administrator controls access to all collections

(data foundation). If the administrator wishes to grant control to multiple collections to multiple data

managers (or data stewards) the administrator can. The administrator would simply grant necessary

access to the individuals the administrator desires to be data managers (or data stewards). However,

doing so is simply a design choice.).

Claim 22:

Claim 22 is a computer program product claim corresponding to method claim 9 and is rejected under the same reasons set forth in the rejection of claim 9.

Claim 23:

Claim 23 is a computer program product claim corresponding to method claim 10 and is rejected under the same reasons set forth in the rejection of claim 10.

Claim 24:

Claim 24 is a computer program product claim corresponding to method claim 11 and is rejected under the same reasons set forth in the rejection of claim 11.

Claim 25:

Claim 25 is a computer program product claim corresponding to method claim 12 and is rejected under the same reasons set forth in the rejection of claim 12.

Claim 26:

Claim 26 is a computer program product claim corresponding to method claim 13 and is rejected under the same reasons set forth in the rejection of claim 13.

Claim 27:

Claim 27 is an apparatus claim corresponding to method claim 1 and is rejected under the same reasons set forth in the rejection of claim 1.

Claim 28:

Claim 28 is an apparatus claim corresponding to method claim 2 and is rejected under the same reasons set forth in the rejection of claim 2.

Claim 29:

Claim 29 is an apparatus claim corresponding to method claim 3 and is rejected under the same reasons set forth in the rejection of claim 3.

Claim 30:

Claim 30 is an apparatus claim corresponding to method claim 4 and is rejected under the same reasons set forth in the rejection of claim 4.

Claim 31:

Claim 31 is an apparatus claim corresponding to method claim 5 and is rejected under the same reasons set forth in the rejection of claim 5.

Claim 32:

Claim 32 is an apparatus claim corresponding to method claim 6 and is rejected under the same reasons set forth in the rejection of claim 6.

Claim 33:

Claim 33 is an apparatus claim corresponding to method claim 7 and is rejected under the same reasons set forth in the rejection of claim 7.

Claim 34:

Claim 34 is an apparatus claim corresponding to method claim 8 and is rejected under the same reasons set forth in the rejection of claim 8.

Claim 35:

Claim 35 is an apparatus claim corresponding to method claim 9 and is rejected under the same reasons set forth in the rejection of claim 9.

Claim 36:

Claim 36 is an apparatus claim corresponding to method claim 10 and is rejected

under the same reasons set forth in the rejection of claim 10.

Claim 37:

Claim 37 is an apparatus claim corresponding to method claim 11 and is rejected

under the same reasons set forth in the rejection of claim 11.

Claim 38:

Claim 38 is an apparatus claim corresponding to method claim 12 and is rejected

under the same reasons set forth in the rejection of claim 12.

Claim 39:

Claim 39 is an apparatus claim corresponding to method claim 13 and is rejected

under the same reasons set forth in the rejection of claim 13.

Response to Arguments

Applicant Argues:

Furthermore, Wu teaches a method for a user to manipulate data and metadata without involving
an administrator (see Wu, page 1, paragraph [0012], lines 9 - page 2, paragraph [0012], line 4, see Wu,
page 4, paragraph [0047], see Wu, page 4, paragraphs [0051]-[0052], and see Wu, page 5, paragraph
[0058]).

Examiner Responds:

The examiner is not persuaded. It is true that a user can manipulate data and metadata

without involving an administrator. However, before the user can manipulate data and/or

metadata, the administrator must limit the data and metadata that the user can manipulate (Wu:

paragraph [0054], lines 1-4 and paragraph [0080], lines 8-12). This is exactly what occurs in the

applicant's invention (See Fig. 2 and paragraphs [0035]-40 of the applicant's specification.).

In both the applicant's invention and the Wu reference, the user can manipulate data and

metadata without involving an administrator. And, in both cases, the user can only manipulate

data and metadata if the user has been granted access by a higher authority (e.g., super user or

regional director). The statement cited above suggests nothing to refute the rejection of the

applicant's claims under 35 U.S.C. 102(e), and in fact the cited statement only highlights a

common feature of both the claimed invention and the Wu reference, so the rejections under 35

U.S.C. 102(e) are upheld.

Applicant Argues:

Moreover, although Wu teaches the existence of various types of administrators (see Wu, page 3, paragraph [0037]), Wu does not differentiate between their roles and responsibilities (see Wu, page 4, paragraph [0054], and see Wu, page 8, paragraph [0089]).

Examiner Responds:

Examiner is not persuaded. First, the examiner <u>disagrees</u> with the applicant that the Wu

reference does not differentiate between the roles and responsibilities of the various types of

administrators. Paragraph [0037] of the Wu reference clearly shows that the original data

foundations are "created by regional managers" (Wu: paragraph [0037], lines 13-15). It further

shows that data administrators can "add the relevant data connections previously created".

Finally, by a strict interpretation of the definition of a data manager, one of ordinary skill in the

art realizes that a data manager is one who handles, controls, or directs data.

Furthermore, paragraph [0034] shows that the regional manager (or administrator or

super user) creates the data foundation (data collection) by using a GUI to select tables and

columns from a variety of data sources. This selecting of tables and columns from a variety of

data sources is precisely what the applicant refers to as moving metadata into and out of a

collection (data foundation).

To appropriately clarify the comparison of the different types of administrators, the

examiner has mapped each of the administrators described by Wu with each of the users

disclosed by the applicant. The examiner asserts that the regional manager is the super user, the

data manager is the data steward, and the data administrators are the collection administrators. It

is important to note for the record that the applicant has not disagreed with this assertion of the

examiner, which was clearly laid out in the examiner's non-final office action.

The examiner further points out that in paragraph [0054] the administrators (or regional

manager or super user) control which tables and columns that users can or cannot access. The

characteristic that clearly distinguishes between administrative users (super users, administrators,

data stewards or managers, etc.) and regular users is the level of access that a given user has to

certain data. Since the administrative user here is allowed to control access to all data, the

administrative user can grant or assign a data manager (data steward) for a given collection by

simply giving the user to be designated data manager (data steward) the necessary access to the

data in a given collection (or data foundation).

Because the examiner believes that the Wu reference does in fact differentiate between

the roles of the different administrators, as discussed above, the examiner has decided to

maintain the 35 U.S.C. 102(e) rejections given to claims 1-39.

Applicant Argues:

Applicant has amended claims 14-26 to remove any reference to computer instruction signals,
carrier waves, and transmission mediums. No new matter has been added.

Examiner Responds:

Examiner is not persuaded. The examiner notes that the applicant did not amend the

claims in order to attempt to overcome the 35 U.S.C. 101 rejection of claims 14-26. The

applicant amended the specification in order to overcome the 35 U.S.C. 101 rejection of claims

14-26. The applicant has stated that no new matter has been added in the attempt to overcome

the 35 U.S.C. 101 rejection, however examiner respectfully disagrees. This issue has been

thoroughly addressed in the 35 U.S.C. 112, first paragraph rejection given above.

Because the correct definition of the 'computer-readable medium' is now in question, the

applicant must first rectify the deficiencies that arise from the addition of new matter as

discussed in the 35 U.S.C. 112 first paragraph rejection given above. Then, in order to overcome

the 35 U.S.C. 101 rejection to claims 14-26, the applicant must positively disavow, on the

record, the embodiments of the invention that include a computer-readable medium wherein the

computer-readable medium is a transmission medium (with or without a carrier wave upon

which the signals are modulated). Accordingly, the 35 U.S.C. 101 rejection of claims 114-26 has

been upheld.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in

this Office action. Accordingly, **THIS ACTION IS MADE FINAL.** See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37

CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the date of this final action.

Contact Information

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Patrick A. Darno whose telephone number is (571) 272-

0788. The examiner can normally be reached on Monday - Friday, 9:00 am - 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Don Wong can be reached on (571) 272-1834. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

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Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a
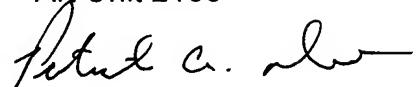
USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Patrick A. Darno
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